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PTO/SB/21 (08-00)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/625,942
Filing Date	July 24, 2003
First Named Inventor	BANET
Group Art Unit	3662
Examiner Name	Not Yet Assigned
Attorney Docket Number	0307091.0166

Total Number of Pages in This Submission

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Combined Declaration and Power of Attorney  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Declaration of Mailing by Express Mail  <input checked="" type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Return Receipt Postcard US Patent Application Publications 2003/0139179 & 2003/0130005 US Patent 6,580,916
<div>Remarks</div>		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Stephen C. Glazier (Registration No. 31,361) Kirkpatrick & Lockhart LLP		
Signature			
Date	6 July 04		

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: 7-7-04			
Typed or printed name	Sadie Bone		
Signature		Date	7-7-04

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130

## Complete if Known

Application Number 10/625,942  
Filing Date July 24, 2003  
First Named Inventor BANET  
Examiner Name Not Yet Assigned  
Art Unit 3662  
Attorney Docket No. 0307091.0166

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 50-1721

Deposit Account Name Kirkpatrick & Lockhart LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims  -20 \*\* =  0 X  18 =  0  
Independent Claims  -3 \*\* =  0 X  86 =  0  
Multiple Dependent X  =  0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

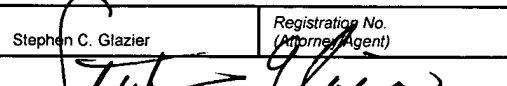
Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Stephen C. Glazier Registration No. (Attorney/Agent) 31,361 Telephone 202 / 778-9045  
Signature  Date 6 July 2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: BANET et al.

Group Art Unit: 3662

Application No.: 10/625,942

Examiner: Not yet assigned

Filed: July 24, 2003

Atty Dkt. No. 0307091.0166

Title: **WIRELESS VEHICLE-MONITORING SYSTEM OPERATING ON BOTH  
TERRESTRIAL AND SATELLITE NETWORKS**

\* \* \* \* \*

**PETITION TO MAKE SPECIAL UNDER 37 CFR §1.102(d)**

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir:

Applicant hereby petitions to make the above-identified U.S. patent application special pursuant to MPEP §708.02(VIII). Applicants have submitted herein a detailed discussion of the references, which discussion points out, with the particularity required by 37 C.F.R. §1.111(b) and (c), how the claimed subject matter is patentable over the references pursuant to MPEP §708.02(VIII).

If it is determined that the pending claims are not directed to a single invention, Applicants will make an election without traverse as required under MPEP §708.02(VIII)(B).

Applicants submit that a pre-examination search has been made by a professional searcher in Class 701, subclasses 1, 29-35 and 114, and Class 702, subclass 182. Additionally, a computer text search was conducted on the USPTO EAST system in an effort to locate relevant art outside the field of search listed above.

Enclosed herewith are copies of the following references which are deemed to be the most closely related to the subject matter encompassed by the present claims.

07/12/2004 YPOLITE1 00000009 10625942

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130.00 OP

<u>U.S. Patent/Publication No.</u>	<u>Inventor(s)</u>
2003/0139179	Fuchs et al.
2003/0130005	Weisshaar et al.
6,580,916	Weisshaar et al.

## DISCUSSION OF THE REFERENCES

### U.S. Patent Application Publication 2003/0139179 (Fuchs et al.)

Fuchs et al. discloses an apparatus and method of integrating a personal communications system including a telematics device coupled to a vehicle, where the telematics device can exchange data with at least one vehicle system and where the telematics device includes a service providing entity. A remote device having a service requesting entity can access and exchange data with the telematics device utilizing the service requesting entity to interact with at least one vehicle system and utilize and exchange data with service providing entity. A selection is made between a first wireless network protocol and a second wireless network protocol in order to access the telematics device. (see abstract)

However, Fuchs et al. does not disclose or suggest a wireless appliance for monitoring a vehicle comprising *an internal battery that includes a solar cell*.

### U.S. Patent Application Publication 2003/0130005 (Weisshaar et al.)

Weisshaar et al. discloses a method of selecting a communication interface to transmit data in a wireless communication network. The method comprises the steps of providing a plurality of communication interfaces in a wireless communication device; polling, by a first application, at least one communication interface of the plurality of communication interfaces to determine whether the at least one communication interface has become available; determining that the at least one communication interface of the plurality of communication interfaces has become available; and transmitting data associated with the first application on the at least one communication interface. (see abstract)

However, Weisshaar et al. does not disclose or suggest a wireless appliance for monitoring a vehicle comprising *an internal battery that includes a solar cell*.

U.S. Patent 6,580,916 (Weisshaar et al.)

Weisshaar et al. discloses an information appliance system including a user device. The user device comprises a client platform that includes a service framework to discover and connect with a variety of services, both remote and local, transient and persistent, and to disconnect from them when they are no longer of interest or become unavailable. The service framework provides a standard, consistent, simplified way for services to make themselves available and for service-using entities to locate and connect with the services of interest to them. The service framework comprises service event notification registries in which service-requesting entities register templates defining the types of services they want to locate and connect with. However, the service framework, rather than connecting with any service that matches a desired service type, can further control a remote service lookup operation in accordance with various transport characteristics in the template, such as signal strength, quantity of data to be transferred, range, available bandwidth, communications cost, service location, time of day, vehicular velocity, and so forth. This conserves the platform's memory and bandwidth resources by not connecting with services that would not satisfy a user's request or that would be unduly transitory. Methods of operating a service framework are described. (see abstract)

However, Weisshaar et al. does not disclose or suggest a wireless appliance for monitoring a vehicle comprising *an internal battery that includes a solar cell*.

## THE PRESENT APPLICATION

Embodiments of the present application relate to a wireless appliance for monitoring a vehicle. The wireless appliance includes a microprocessor configured to select a vehicle-communication protocol of a host vehicle, and then communicate with the host vehicle through the vehicle-communication protocol. The appliance also includes a vehicle-communication circuit, in electrical communication with the microprocessor, which collects diagnostic data from the host vehicle using the vehicle-communication protocol. A GPS module, also in electrical communication with the microprocessor, generates location-based data. For transmitting these data, the appliance includes a first wireless transmitter operating on a terrestrial network and a

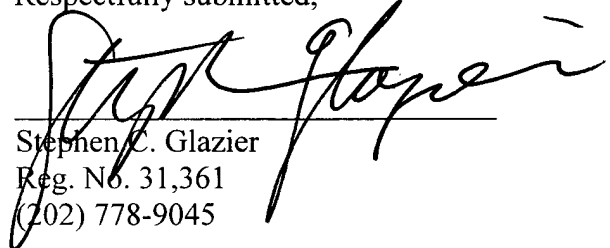
second wireless transmitter operating on a satellite network. The microprocessor selects the first or second wireless transmitter for transmitting the diagnostic and location-based data.

For example, claim 15 claims a wireless appliance for monitoring a vehicle comprising *an internal battery that includes a solar cell*. As discussed above, Fuchs et al., Weisshaar et al. and Weisshaar et al. fail to disclose or suggest one or more elements as claimed in claim 15.

Therefore, the present application claims subject matter which is not disclosed, taught or suggested by the foregoing references and is patentable in light thereof. Accordingly, granting of the Petition to Make Special and expedited examination of the claims in the present application are earnestly solicited.

Respectfully submitted,

6 July 04

  
\_\_\_\_\_  
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